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July 2, 2007

*(Via email)*

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**Re: Revised Privilege Logs – Rule 37 Issues**

Dear Counselors:

I am in receipt of your letter dated June 26, 2007. First, I assume that your reference to my June 19, 2007 letter as my “letter of June 21, 2007,” was a simple mistake. Nevertheless, although your letter clarifies the State’s position as to some of Peterson’s issues with the State’s revised privilege logs, it does not clarify them all and in fact, has created more questions. For clarification, please provide me the following information during our Rule 37 conference call today at 1:30 p.m.:

1. The identity by agency log and original privilege log entry number for those documents which have: (1) been withdrawn from the original log because the privilege and/or protection originally asserted has been withdrawn; and (2) deleted because the document was duplicative of another entry, but for which the privilege or protection claim was not withdrawn.
2. Please provide the date by which the documents that the State has withdrawn from its original privilege logs will be produced to the Defendants.
3. Please state whether the State is going to stand by its changes to those entries identified in paragraph 3 of page 2 of my June 19, 2007 letter.

If you have any questions or concerns regarding the contents of this letter, please address them with me on today’s call.

Best regards,  
McDANIEL, HIXON, LONGWELL & ACORD, PLLC

Nicole M. Longwell

cc: A. Scott McDaniel  
Defense counsel (*via email only*)